

European Commission: Commissioner Neelie Kroes on the Commission's Examination of the Hungarian Media Law

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On 17 January 2011 Neelie Kroes, Vice-President of the European Commission responsible for the Digital Agenda, addressed the European Parliament's Civil Liberties, Justice and Home Affairs Committee in an extraordinary meeting on the state of play of the Commission's examination of the recently adopted Hungarian Media Law (see IRIS 2011-2/30). Concerns have been raised regarding the compliance of the new rules with the EU's Audiovisual Media Services (AVMS) Directive, as well as, more generally, their respect for fundamental media freedoms, such as freedom of expression.

Commissioner Kroes pointed out that the legal enforcement powers of the Commission regarding fundamental rights are limited to cases where the Member States act in the sphere of European Union law, specifically when they are implementing such law. Within these confines, points on which the Hungarian Media Law does not appear in the Commission's initial opinion to be satisfactory include the following: first, the provisions of the law appear to apply also to media firms established in other EU Member States. Such a broad reach would be contrary to the "country of origin" rule enshrined in the AVMS Directive, which subjects, in principle, media service providers to regulations in their country of origin only. Secondly, the law requires the provision of balanced information not only in the area of broadcasting, where such rules are common, but also for on-demand audiovisual media services, including e.g. simple video bloggers. This could result in over-reach and lack of proportionality in the regulation of media freedom, while lack of compliance with the general Treaty rules on establishment and provision of services, which are applicable to all media, would also have to be investigated. Thirdly, the Commission foresees a possible over-extensive application of rules on media registration, due to lack of limiting criteria. Finally, the criteria for media authority independence also present a thorny issue.

Commissioner Kroes wrote to the Hungarian authorities on 23 December 2010 on the matter of the new media rules. Subsequently, formal and informal meetings have taken place between the Commission's services and the Hungarian authorities, while the Commission is currently examining the individual provisions following the formal notification of the legislation on 14 January 2011. The Commission's assessment will be set in writing in the near future. Commissioner Kroes feels confident that Hungary will take all the necessary measures to ensure

that the implementation of the law takes place in full respect of European law and the European Convention on Human Rights, as well as that any necessary adjustments to the law will be made, should it be found to be lacking in compliance with these rules.

Neelie Kroes Vice-President of the European Commission responsible for the Digital Agenda State of play of Commission's examination of Hungarian Media Law Extraordinary meeting of the European Parliament's Civil Liberties, Justice and Home Affairs Committee Strasbourg, 17th January 2011, SPEECH/11/22

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